IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

WP(C).No. 34070 of 2007(E)

PETITIONER:

SANTHOSH M.C., S/O. CHAKRAPANI,
MANACKAPARAMBU HOUSE, NADACKAVU P.O.,
THRIPOONITHURA, ERNAKULAM DISTRICT.

BY ADV. SRI.V.K.PEERMOHAMED KHAN
SRI.P.M.JAMALKUTTY

RESPONDENTS:
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1. THE DISTRICT COLLECTOR,
COLLECTORATE, KOTTAYAM-2, KOTTAYAM DISTRICT.

2. THE TAHSILDAR,
VAIKOM TALUK OFFICE, VAIKOM P.O.,KOTTAYAM DISTRICT

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 34070 OF 2007 E
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Dated this the 19th day of November, 2007

J U D G M E N T

Ext.P2 order is under challenge. Ext.P2 has been issued by the 1st respondent exercising his powers under Rule 27 of the Protection of River Banks and Regulation of Removal of Sand Act and Rules, 2001. There is a positive finding that the vehicle in question was involved in unauthorised transportation of river sand and that the same could not be justified by producing any documentary evidence. Petitioner submits that the sand was mined from a neighbouring property. Not only that this contention is not seen raised before the 1st respondent, petitioner also has not produced any document in this writ petition in support of this plea. If that be so, I will not be justified in taking cognizance of such an unsubstantiated contention.

2. A reading of Ext.P2 shows that a case justifying exercise of the powers of the 1st respondent under Rule 27 of the Protection of River Banks and Regulation of Removal of Sand Act

and Rules, 2001 has been made out and that it is on that basis that the said order has been issued. I do not find any error in the order passed.

Writ petition fails and it is dismissed.

ANTONY DOMINIC, JUDGE

Rp